

Aaron P. Hisel, OSB #161265  
*aaron@capitol.legal*  
Elizabeth A. Jones, OSB #201184  
*beth@capitol.legal*  
Capitol Legal Services  
901 Capitol St. NE  
Salem, OR 97301  
Telephone: (503) 480-7250  
Fax: (503) 779-2716  
Attorneys for Defendants Clatsop County Jail,  
Sgt. Dotson, Nurse Tracy, Deputy Watson,  
and Sgt. Pitts

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

MARGARET K. WILSKI,

Case No. 3:23-cv-01014-IM

Plaintiff,

v.

**DEFENDANTS CLATSOP COUNTY  
JAIL, SGT. DOTSON, NURSE TRACY,  
DEPUTY WATSON, AND SGT. PITTS’  
ANSWER TO PLAINTIFF’S  
COMPLAINT**

JANS AND JOES DOES; CLATSOP  
COUNTY JAIL; DOTSON; TRACY;  
WATSON; PITTS,

Defendants.

---

For their Answer to Plaintiff’s Complaint, Clatsop County Jail, Sergeant Dotson, Nurse Tracy, Deputy Watson, and Sergeant Pitts (“County Defendants”), hereby admit, deny and allege as follows:

1.

In response to section “I. The Parties to This Complaint,” on pages 1, 2, and 3 of the Complaint, these are Plaintiff’s statement of the parties to the lawsuit and legal theories. To the

extent there are facts asserted in this section requiring a response, they are denied unless expressly admitted hereinafter.

2.

In response to section “II. Basis for Jurisdiction,” on pages 3 and 4 of the Complaint, these are Plaintiff’s jurisdictional statement and legal conclusions that do not require a response. To the extent that there are any facts asserted in this section requiring a response, they are denied, unless expressly admitted hereinafter.

3.

In response to section “III. Prisoner Status,” on page 4 of the Complaint, this is Plaintiff’s statement on her incarceration status. Defendants admit publicly available records indicate Plaintiff is currently a convicted and sentenced state prisoner.

4.

In response to section “IV. Statement of Claim,” on pages 4 and 5 of the Complaint, Defendants admit Plaintiff was incarcerated in the Clatsop County Jail in November of 2021. The referenced “see Attachment #1” allegations are addressed below. Accept as so admitted, deny.

5.

In response to section “V. Injuries,” on page 5 of the Complaint, the “See attachment # 1” allegations are addressed below. To the extent any allegations here require a response, they are denied unless expressly admitted herein below.

6.

In response to section “VI. Relief,” on page 5 of the Complaint, this is Plaintiff’s legal theories and prayer for relief which do not require a response.

7.

In response to section “VII. Exhaustion of Administrative Remedies Administrative Procedures,” on pages 6, 7, and 8 of the Complaint, Defendants admit Plaintiff’s claims arise from the time when she was incarcerated in the Clatsop County Jail; that the jail has a grievance system in place that would cover Plaintiff’s claims; and that Plaintiff did not exhaust the grievance process.

8.

In response to section “VIII. Previous Lawsuits,” on pages 8, 9, and 10 of the Complaint, these are Plaintiff’s statements on her compliance with 28 U.S.C § 1915(g), which do not require a response. To the extent a response is required, Defendants are now aware of other litigation instituted by Plaintiff.

9.

In response to section “IX. Certification and Closing,” on page 11 of the Complaint, is Plaintiff’s statements on her compliance with FRCP 11, which does not require a response. To the extent that any facts requiring a response are contained in this section, they are denied unless expressly admitted herein.

10.

In response to the allegations on page 12 of the Complaint, Defendants admit Plaintiff was arrested for assault in the second degree (ORS 163.175); that Plaintiff was approximately 15 weeks pregnant at the time she was booked into the Clatsop County Jail; that Plaintiff was housed at Clatsop County Jail from May 29, 2021, to January 4, 2022; and that Plaintiff was transported to the Columbia Memorial Hospital in November of 2021, to give birth to a full-term baby. Except as so admitted, deny.

11.

In response to the allegations on page 13 of the Complaint, Defendants admit a suction device was used at the hospital to aid in the vaginal delivery process; that Plaintiff was transported back to Clatsop County Jail after being released by the hospital; that Plaintiff was placed in a cell upon her return from giving birth at Columbia Memorial Hospital; and that Plaintiff was taking medication that could contaminate her breastmilk and was, therefore, placed on a pumping schedule for 10 days. Except as so admitted, deny.

12.

In response to the allegations on pages 14 and 15 of the Complaint, Defendants deny.

13.

**FOR A FIRST AFFIRMATIVE DEFENSE**, Defendants allege:

(Failure to State a Claim)

Plaintiff has failed to state a claim for which relief may be granted for the claim(s) she has attempted to assert.

14.

**FOR A SECOND AFFIRMATIVE DEFENSE**, Defendants Dotson, Tracy, Watson, and Pitts allege:

(Qualified Immunity)

Defendants Dotson, Tracy, Watson, and Pitts are entitled to qualified immunity from any constitutional claim in that their conduct did not violate any clearly established law and their actions were objectively reasonable under the circumstances.

//

//

//

15.

**FOR A THIRD AFFIRMATIVE DEFENSE**, Defendants allege:

(Prison Litigation Reform Act/Failure to Exhaust)

Plaintiff failed to exhaust her administrative remedies pursuant to the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a) *et seq* for one or more of the claims she is attempting to proceed on.

16.

**FOR A FOURTH AFFIRMATIVE DEFENSE**, Defendants allege:

(Knowingly False Claims / Frivolous Litigation)

On information and belief, this litigation has been initiated and is being maintained in bad faith. Throughout the time Plaintiff was pregnant and incarcerated at the Clatsop County Jail she was given numerous and consistent care for her pregnancy both in and out of the jail. Plaintiff agreed to and consented to an induced labor during meetings with her independent care provider. Further, on information and belief, Plaintiff's induction date was chosen between her and her car provider, in part, to accommodate her husband's work schedule and not for any purpose related to the convenience of the jail. Plaintiff brings these claims against Defendants knowing the claims have no merit and are frivolous, entitling Defendants to a recovery of their costs and fees, including attorney's fees.

**WHEREFORE**, having fully responded to Plaintiff's Complaint, County Defendants request judgment in their favor and against Plaintiff with an award of costs and attorney fees as the prevailing parties under 42 U.S.C. § 1988.

DATED this 20<sup>th</sup> day of November, 2023.

s/ Aaron P. Hisel  
Aaron P. Hisel, OSB #161265  
Elizabeth A. Jones, OSB #201184  
Attorneys for County Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DEFENDANTS CLATSOP COUNTY JAIL, SGT. DOTSON, NURSE TRACY, DEPUTY WATSON, AND SGT. PITTS' ANSWER TO PLAINTIFF'S COMPLAINT on:

Margaret K. Wilski  
23863273  
Coffee Creek Correctional Facility  
24499 SW Grahams Ferry Road  
Wilsonville, OR 97070  
Plaintiff

Amy Potter  
Angeli Law Group LLC  
121 SW Morrison Street Suite 400  
Portland, OR 97204  
Attorney for Plaintiff

by the following indicated method or methods:

by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;

by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;



by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to plaintiff's last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 20<sup>th</sup> day of November, 2023.

s/ Aaron P. Hisel  
Aaron P. Hisel, OSB #161265  
Elizabeth A. Jones, OSB #201184  
Attorneys for County Defendants

CERTIFICATE OF SERVICE